

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Crl.MC.No. 2800 of 2015 ()

N CC 276/2011 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM

PETITIONER/ACCUSED :

**BAIJU G.S., AGED 42 YEARS,
S/O. GOPINATHAN, G.S.LAND, KOLLAM DISTRICT.**

BY ADV. SRI.JAMES ABRAHAM (VILAYAKATTU)

RESPONDENTS/DEFACTO COMPLAINANT AND STATE :

**1. JAYALAKSHMI T.K., AGED 36 YEARS,
D/O. AMMINI, THUKALATTUCHIRAYIL, NEAR ROSARIYO HOTEL
THOPPUMPADY.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.R.ARUN (PALLURUTHY)1
R2 BY PUBLIC PROSECUTOR C.K. JAYA KUMAR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 2800 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.764/2008
OF ERNAKULAM TOWN SOUTH POLICE STATION.**

ANNEXURE B : AFFIDAVIT SWORN BY THE 1ST RESPONDENT DTD.8.5.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.UBAID, J.

Crl. M.C No. 2800 of 2015

Dated this the 15th day of May, 2015.

O R D E R

The petitioner herein is the accused in C.C No.276 of 2010 of the Additional Chief Judicial Magistrate Court, Ernakulam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 498(A), 465, 468, 473, 406, 420 and 506(1) of IPC on the complaint of one Jayalakshmi who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further prosecution will not

serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose, other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.276 of 2010 of the Additional Chief Judicial Magistrate Court, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

Sd/-
P.UBAID,
JUDGE